

## **REMARKS**

### **Introduction**

Applicant notes with appreciation the Examiner's indication that claims 10-16, 18, and 24 are allowed. Applicant also notes with appreciation the Examiner's indication that the reference cited in the Information Disclosure Statement filed on October 18, 2005 has been considered.

Upon entry of the foregoing amendment, claims 1-26 are pending in this application. Claims 1, 17, and 19 have been amended. New claim 26 has been added. No new matter is being presented.

### **Rejections under 35 USC § 112**

Claim 17 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended independent claim 17 to recite, among other things, "elastic members are compressed by different amounts to have different amounts of elastic potential." Applicant respectfully submits that support for this amendment can be found in FIGS. 6 and 7, in paragraphs [0041], [0042], and [0044] of the specification, and in claim 20 as originally filed. Accordingly, Applicant respectfully submits that claim 17 is enabled, as presently recited, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Claims 1-9 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 1 according to the Examiner's suggestions. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-9 and allow these claims.

Claims 19-23 and 25 have been rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements.

Applicant has amended claim 19 to more clearly define the structural cooperative relationships of the elements in the claim. Independent claim 19 has been amended to recite, among other things, "a spacing adjustment unit disposed between the middle portion of the supporting bracket and the supporting plate to flexibly couple the supporting plate with the middle portion of the supporting bracket." Since claim 19 clearly defines the structural relationships between "a supporting plate," "a supporting bracket," and "a spacing adjustment unit," as presently recited therein, Applicant respectfully submits that claim 19 complies with the requirements set forth in §112, second paragraph. Accordingly, withdrawal of this rejection is earnestly solicited.

#### **Rejection under 35 USC §102**

Claims 19-20 and 22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,265,869 to Morita. Applicant respectfully requests reconsideration of these claims for at least the reasons stated below.

At page 4, item 3 of the Office Action of November 17, 2005, the Examiner takes the position that FIGS. 1-2B of Morita show

"...a spacing adjustment unit (including 13 and 12) to flexibly couple the supporting plate (5) and the middle portion of the supporting bracket (7)... More specifically, the spacing adjustment unit (including 13 and 12) flexibly couples the supporting plate (5) to the entire bracket (7)." (Emphasis in Original)

Thus, the Examiner's position apparently relies on the springs 13 disposed at the ends of the support plate 7 shown in FIG. 1 of Morita to couple the second guide plate 5, which includes a middle portion, to the support plate 7. However, even if it is assumed that the springs 13 shown in FIG. 1 of Morita "flexibly" couple the entire second guide plate 5 (including the middle portion) to the support plate 7, the springs 13 shown in FIG. 1 of Morita are not the same as "a spacing adjustment unit," since the springs 13 are not "disposed between the middle portion of the supporting bracket and the supporting plate to flexibly couple the supporting plate

with the middle portion of the supporting bracket,” as presently recited in independent claim 19 of Applicant's invention. In contrast with the present invention, the springs 13 are disposed at the ends of the second guide plate 5, and are not disposed at “the middle portion” thereof. Thus, the springs 13 shown in Morita are not “a spacing adjustment unit,” as presently recited in independent claim 19.

Furthermore, the springs 12 shown in FIGS. 1 and 2B of Morita are not the same as “a spacing adjustment unit,” since the springs 12 do not “flexibly couple the supporting plate with the middle portion of the supporting bracket,” as recited in independent claim 19 of Applicant's invention. In contrast with the present invention, the springs 12 shown in FIG. 2A of Morita are used to bias a support shaft 10 including follower rollers 9 upward toward conveying rollers 8. See Morita col. 5, lines 1-8. Thus, Morita's springs 12 do not “flexibly couple the supporting plate and the middle portion of the supporting bracket,” as presently recited in independent claim 19. Accordingly, the springs 12 shown in FIGS. 1 and 2B of Morita are not “a spacing adjustment unit,” as presently recited in independent claim 19.

Moreover, the combination of the springs 12 and 13 shown in FIG. 1 of Morita is not the same as “a spacing adjustment unit,” since the combination of the springs 12 and 13 is not “disposed between the middle portion of the supporting bracket and the supporting plate to flexibly couple the supporting plate with the middle portion of the supporting bracket,” as presently recited in independent claim 19 of Applicant's invention.

Since neither the springs 12, the springs 13, nor the combination thereof can be considered “a spacing adjustment unit disposed between the middle portion of the supporting bracket and the supporting plate to flexibly couple the supporting plate with the middle portion of the supporting bracket,” Morita fails to disclose each of the features of independent claim 19, as presently recited.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

"The elements must be arranged as required by the claim..." In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Further, in the event that the Office Action is relying on the theory of inherency in any manner, "the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). See also MPEP 2112. Accordingly, since Morita does not explicitly or inherently teach every element of independent claim 19, as presently recited, Morita cannot be used to properly reject independent claim 19 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 19 is allowable over Morita, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Regarding claims 20 and 22, it is respectfully submitted that for at least the reason that each of claims 20 and 22 depends from independent claim 19, and therefore contains each of the features as presently recited in this claim, claims 20 and 22 are also patentable over Morita. Accordingly, withdrawal of the rejection and allowance of these claims are also earnestly solicited.

#### **New Claim**

Claim 26 has been newly added. New independent claim 26 recites similar features as those recited in independent claims 1, 10, 19, and 24, for example, "a supporting plate," "a supporting bracket ... being coupled to the supporting plate," and "a plurality of adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket therebetween to bias the supporting plate and supporting bracket apart." Applicant respectfully submits that support for newly added claim 26 can be found in FIGS. 4-6, and the corresponding portions of the detailed description. Accordingly, it is respectfully submitted that new claim 26 does not present new matter, and is allowable over the prior art of record, and allowance of this claim is earnestly solicited.

**Conclusion**

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.


If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

A \$250 fee has been incurred by this Amendment. If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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